

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - 1100' SE of Pleasant
Grove Rd., 480' SW of Mamopa Ct. * DEPUTY ZONING COMMISSIONER
(4709 Pleasant Grove Road)
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 95-107-XA
D. Dave Moose, et al
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 4709 Pleasant Grove Road, located in the vicinity of Boring in northern Baltimore County. The Petitions were filed by the owners of the property, D. Dave Moose, Cindy L. Moose, C. Dwight Moose, and Audrey D. Moose. The Petitioners seek a special exception to permit a landscape service operation on the subject property, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 404.1.A to permit an internal road setback of as little as 0 feet in lieu of the minimum required 25 feet; from Sections 404.1.B and 102.2 to permit accessory structures to be located a distance of as little as 15 feet from an internal property line in lieu of the required 50 feet and to permit a between building setback of as little as 25 feet in lieu of the required 100 feet; and from Sections 404.1.C and 404.3.C.2 to permit the loading or unloading and the parking of vehicles to be located as little as 45 feet from an interior property line in lieu of the required 100 feet. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing on behalf of the Petitioners were C. Dwight Moose, one of the property owners, and his attorney, Edward Halle, Jr., Esquire.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Appearing as interested parties in the matter were Jay Miller, a nearby property owner, and his attorney, Kenneth Spence, III, Esquire. There were no Protestants present.

At the onset of the hearing, I was advised by Mr. Halle that the Petitioners have entered into a seven-point agreement with the adjacent property owners, Jay Miller and Rudolf and Eva Nechay, as to the operation of the proposed landscape service business. Mr. Halle indicated that the agreement reached between them could be incorporated into my Order and made a part of the terms and conditions of the relief granted.

Testimony and evidence offered in support of the relief requested revealed that the subject property consists of 0.7 acres, more or less, zoned R.C.2, and is identified as Parcel 2 on the site plan submitted into evidence as Petitioner's Exhibit 1. This parcel is improved with several outbuildings that are utilized by the Petitioners in their landscape service operation. Testimony revealed that this property is part of a larger farm that has been in the Moose family for many years. The Petitioners have operated the subject landscape service operation on the property for approximately 10 years and now seek to legitimize this use by virtue of the special exception and variance requests.

Mr. Dwight Moose testified that the landscape service operation consists of seeding and planting for new home construction in and around the Baltimore Metropolitan area. He testified that they have no intention of expanding this operation, but merely seek approval of its present use.

As was indicated at the hearing, I have been supplied with a copy of the seven-point agreement that was entered into between Mr. Moose and the adjoining property owners. This document shall be attached hereto and made a part hereof. The testimony and evidence presented by the interest-

ORDER RECEIVED FOR FILING

Date

By



An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it appears that the relief requested should be granted. It has been established that the variances are for existing conditions that are peculiar to the subject property and the improvements thereon and that strict compliance with the zoning regulations will result in practical difficulty or unreasonable hardship for the Petitioners. The relief requested will not result in any detriment to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of November, 1994 that the Petition for Special Exception to permit a landscape service operation on the subject

ORDER RECOMMENDING
Date 11/21/94
By [Signature]

property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 404.1.A to permit an internal road setback of as little as 0 feet in lieu of the minimum required 25 feet; from Sections 404.1.B and 102.2 to permit accessory structures to be located a distance of as little as 15 feet from an internal property line in lieu of the required 50 feet and to permit a between building setback of as little as 25 feet in lieu of the required 100 feet; and from Sections 404.1.C and 404.3.C.2 to permit the loading or unloading and the parking of vehicles to be located as little as 45 feet from an interior property line in lieu of the required 100 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the seven-point agreement between the Petitioners and the adjoining property owners, Rudolf and Eva Nechay and Jay Miller, a copy of which has been attached hereto and made a part hereof.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

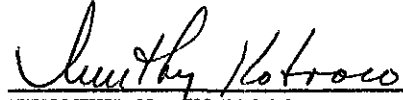
IT IS FURTHER ORDERED that the Petitions for Special Exception and Variances granted herein shall inure to the benefit of the Petitioner,

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Date

By

D. David Moose, and his immediate family and is not transferable to any third party. In the event the landscape service operation ceases to exist, the special exception and variances granted herein shall terminate.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

11/21/94

By



AGREEMENT

1) The Petitioner shall limit the number of trucks (vehicles) stationed on the premises and used in the Landscape Service Operation to five (5) (excluding farm vehicles and the vehicles used by Mr. & Mrs. David Moose and Mr. & Mrs. Dwight Moose). This limit shall be imposed three (3) months from the date of the granting of the Special Exception.

2) The five (5) permitted trucks shall be limited to one (1) round trip in and out of the site per day.

3) The premises may be used to store equipment used in connection with the Landscape Service Operation and supplies (such as plants, straw, seed, and mulch).

4) Petitioner is permitted to bring equipment to the site for repair and maintenance.

5) Petitioner will move day to day operations off the site within one (1) year of the date of the grant of the Special Exception.

6) Petitioner, at its expense, will perform improvements to the Right-of-Way as follows:

- a) Stop sign at intersection of Nechay/Moose driveways.
- b) Thin underbrush at curves to improve visibility.
- c) Place mirrors on curves to allow approaching vehicles to see each other.

7) In the event Nechay or Miller are required to enforce the Special Exception Limitations, Petitioner will indemnify and hold Nechay and/or Miller harmless of and from all costs and expenses (including reasonable attorneys' fees) incurred by them in connection with such enforcement.

ORDER RECEIVED FOR FILING
Date 11/2/94
By [Signature]

RECEIVED
NOV 3 1994
CLERK OF COURT

CASE NO. 95-107 (Item 106)

1. Petitioner shall limit the number of trucks (vehicles) stationed on the premises and used in the Landscape Service Operation to five (excluding farm vehicles and the vehicles used by Mr. & Mrs. David Moose and Mr. & Mrs. Dwight Moose). This limit shall be imposed three (3) months from the date of the granting of the Special Exception.

2. The five permitted trucks shall be limited to one round trip in and out of the site per day.

3. The premises may be used to store equipment used in connection with the Landscape Service Operation and supplies (such as plants, straw, seed, mulch) used in connection with the business.

4. Petitioner can bring equipment to the site for repair and maintenance.

5. Petitioner will move day to day operations off the site within one year of the date of the grant of the Special Exception.

6. Petitioner, at its expense, will perform improvements to the Right of Way, as follows:

- A. Stop sign at intersection of Nechay/Moose driveways.
- B. Thin underbrush at curves to improve visibility.
- C. Place mirrors on curves to allow approaching vehicles to see each other

7. In the event Nechay or Miller are required to use the services of an attorney to enforce the Special Exception limitations, Petitioner will be responsible for their costs (including reasonable attorney's fees). *revised 10/28/94*

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 21, 1994

Edward A. Halle, Jr., Esquire
11 E. Lexington Street, 4th Floor
Baltimore, Maryland 21202-1759

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
1100' SE of Pleasant Grove Rd., 480' SW of Mamopa Ct.
(4709 Pleasant Grove Road)
4th Election District - 3rd Councilmanic District
D. Dave Moose, et al - Petitioners
Case No. 95-107-XA

Dear Mr. Halle:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Kenneth F. Spence, III, Esquire
600 Washington Avenue, Towson, Md. 21204

People's Counsel

File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4709 Pleasant Grove Road

which is presently zoned RC 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A landscape service operation.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

All Season Unlimited, Inc.

(Type or Print Name)

D. Dave Moose
Signature D. DAVE MOOSE

4709 Pleasant Grove Road

Address

Upperco, MD 21155
City State Zipcode

Attorney for Petitioner:

Edward A. Halle, Jr.

(Type or Print Name)

[Signature]
Signature

11 E. Lexington, 4th Floor

Address

Baltimore, MD 21202-1759
City State Zipcode

Legal Owner(s).

C. Dwight Moose

Audrey D. Moose

(Type or Print Name)

X: C. Dwight Moose
X: Audrey D. Moose

Signature

D. Dave Moose

Cindy L. Moose

(Type or Print Name)

X: D. Dave Moose
X: Cindy L. Moose

Signature

4709 Pleasant Grove Road

Address

Phone No.

Upperco MD 21155
City State Zipcode

Name, Address and phone number of representative to be contacted.

Edward A. Halle, Jr.

Name

11 E. Lexington St., 21202 547-1919
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



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ORDER RECEIVED FOR FILING
Date 11/21/94
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4709 Pleasant Grove Road

which is presently zoned RC 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

All Season Unlimited, Inc.

(Type or Print Name)

Signature D.D. Moore Pres

4709 Pleasant Grove Road

Address

Upperco, MD 21155

City State Zipcode

Attorney for Petitioner:

Edward A. Halle, Jr.

(Type or Print Name)

Signature

11 E. Lexington Street, 4th Floor

Address

Baltimore, Maryland 21202-1759

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s). C. Dwight Moose

Audrey D. Moose

(Type or Print Name)

X: C. Dwight Moose

X: Audrey D. Moose

Signature

D. Dave Moose

Cindy L. Moose

(Type or Print Name)

X: D. Dave Moose

X: Cindy L. Moose

Signature

4709 Pleasant Grove Road

Address

Phone No.

Upperco

MD

21155

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Edward A. Halle, Jr.

Name

11 E. Lexington St., 21202 547-1919

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 HRS

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

DATE

9/21/94

MICROFILMED



ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

VARIANCE FOR MOOSE PROPERTY

Address: 4709 Pleasant Grove Road

1. Variance from §404.1.A - to permit internal road setback variance to as little as zero feet in lieu of required twenty five feet.
2. Variance from §404.1.B and §102.2 to permit accessory structures to be located at a distance of as little as fifteen feet from an internal property line in lieu of the required fifty feet and to have a between building setback of as little as twenty feet in lieu of the required one hundred feet.
3. Variance from §404.1.C. and §404.3.C.2 permit loading or unloading and parking of vehicles to be located as little as forty five feet from an interior property line in lieu of the required one hundred feet.

ZONING DESCRIPTION

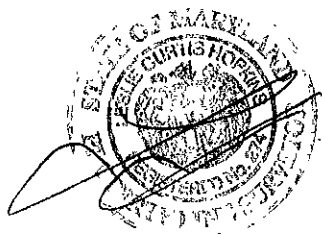
For Special Exception and Variance

Area = 22.025[±] AC. Ed 4 Cd 3

Beginning at a point 480 ft. southwest of Mamopa Court in the center of Pleasant Grove Rd. Thence the following courses and distances:

N. 6° 42' 44" W. 21.22 ft., N. 28° 22' 15" W. 40.67 ft., N. 13° 40' 03" W. 51.07 ft., N. 16° 26' 48" W. 74.08' ft., N. 25° 57' 58" W. 77.91 ft., N. 27° 48' 51" W. 36.98' ft., N. 32° 14' 06" W. 36.06 ft., N. 41° 19' 10" W. 34.62 ft., N. 51° 45' 06" W. 41.47 ft., N. 54° 37' 08" W. 45.49 ft., N. 49° 57' 06" W. 40.18 ft., N. 42° 09' 41" W. 110.07 ft., N. 51° 55' 43" W. 48.90 ft., N. 60° 59' 35" W. 39.06 ft., N. 64° 32' 48" W. 329.07 ft., N. 41° 17' 30" W. 95.70 ft. to the first or S89° 09' 00" E. 509.80 ft. line of the 22.025 ft. tract of land thence the following courses and distances:

S. 89° 09' 00" E. 509.80 ft., S. 12° 26' 30" E. 210.00 ft., S. 12° 26' 30" E. 858.75 ft., S. 67° 28' 30" W. 1210.55 ft., N. 16° 06' 00" E. 374.72 ft., N. 13° 11' 30" E. 1028.57 ft., N. 13° 11' 30" E. 175.93 ft. to the place of beginning.



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-107XA

District: H-1 Date of Posting: 10/7/94
Posted for: Special Exception to Variances
Petitioner: C. Dwight Moore, et al. All Season Unlimited, Inc.
Location of property: 4709 Pleasant Grove Rd., -1000' S/W. on Private Drive
Location of Signs: Noted to fence, at beginning of Private Driveway
to property
Remarks: No Pk used
Posted by: [Signature] Date of return: 10/14/94
Signature
Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-107-XA

(Item 108)

4709 Pleasant Grove Road private right-of-way 1,100' B of Pleasant Grove Road, said right-of-way being on the S/S of Pleasant Grove Road, 480' SW of Mamops Court

4th Election District

3rd Councilmanic District

Legal Owner:

C. Dwight Moose & Audrey D. Moose & D. Dave Moose & Cindy L. Moose

Contract Purchaser:

All Season Unlimited, Inc.

Hearing: Friday,

October 21, 1994 at 2:00 p.m. in Rm. 106, County Office Building.

Special Exception for a landscape service operation. Variance to permit internal road setback to as little as zero feet in lieu of required 25 feet; to permit accessory structures to be located at a distance of as little as 15 feet from an internal property line in lieu of the required 50 feet and to have a 50' rear building setback in lieu of the required 100 feet and to permit loading at, unloading and parking of vehicles to be located as little as 15 feet from an interior property line in lieu of the required 100 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

10/051 Oct. 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 6, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 6, 1994.

THE JEFFERSONIAN,

A. Henrichsen

LEGAL AD. - TOWSON

Printed for

MICROFILMS



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

106

Date

9/21/94

By JLL

1 SPX

CDE

050 \$300.00

1 VAR

" "

020 250.00

4 SIGNS. ① SPX ② VAR ③ ALERT SIGN
AT R/W.

080 140.00
TOTAL = \$690.00

OWNER MOOSE PAID BY ~~ED~~ NED HAILLE (ATTNY)
4709 PLEASANT GROVE RD.

MICROFILMED

Please Make Checks Payable To: Baltimore County

01A01#0437MICHRC

BA C003:22PM09-21-94

\$690.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 106
Petitioner: D. David Moose, et al
Location: 4707 Pleasant Grove Rd, Upperco, MD 21155

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Fowley & Buckley - attn EA. Halk
ADDRESS: 11 E. Lexington - 4th Fl
Baltimore, MD 21202
PHONE NUMBER: 547-1919

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 14, 1994

Edward A. Halle, Jr.
11 E. Lexington Street, 4th Floor
Baltimore, Maryland 21202-1759

Re: Item #106, Case 95-107
Petitioner: C. Dwight Moose

Dear Petitioner:

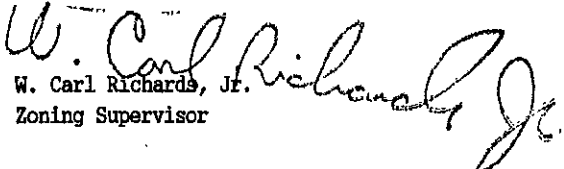
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 21, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: October 7, 1994

SUBJECT: 4709 Pleasant Grove Road

INFORMATION:

Item Number: 106
Petitioner: Moose Property
Property Size: _____
Zoning: R.C. 2
Requested Action: _____
Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and a site inspection, staff offers the following comments:

Due to the configuration of the subject parcel and its access, it appears that the proposed use may be detrimental to the general welfare and peaceful enjoyment of the neighbors who share the common access. A review of Bill No 42-92 reveals that landscape service operations are meant to be located on sites of sufficient size, and "properly designed to insure protection of existing neighboring dwellings from noise, dust, glare and other nuisance factors."

Unfortunately, the awkward access to the Petitioner's parcel leaves little, if any, room to mitigate nuisances through design techniques.

Unless the applicant can demonstrate that the intended use will not negatively impact the immediate neighbors, this office recommends that the applicant's request be denied.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kern

PK/JL:lw

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 11, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
RWB Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for October 11, 1994
Items 105, 106, 107, 109 and 111

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

~~RECORDED~~

Zoning

Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: September 28, 1994

FROM: James H. Thompson - TF
Zoning Enforcement Supervisor

SUBJECT: ITEM NO.: 106
PETITIONER: Dwight D. Moose and Audrey D. Moose
Tenants By Entireties

VIOLATION CASE NO.: C-94-1643

LOCATION OF VIOLATION: 4709 Pleasant Grove Road
Reisterstown, Maryland 21136
4th Election District

DEFENDANTS: Dwight D. Moose and Audrey D. Moose
4709 Pleasant Grove Road
Reisterstown, Maryland 21136

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME _____

ADDRESS

Mr. Jay Miller

5 Mamopa Court
Boring, Maryland 21136

Edward A. Halle, Jr., Esquire
Fowley and Beckley, P.A.

11 East Lexington Street, 4th Floor
Baltimore, Maryland 21202-1759

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/TF/hek

100-100000

11/3/94
ag

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 12, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #106 - All Season Unlimited, Inc.
4707 & 4709 Pleasant Grove Road
Zoning Advisory Committee Meeting of October 3, 1994

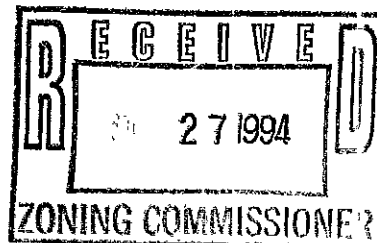
*Hearing Date, 10/21/94
Case # 93.107*

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:JW:sp

SEASON/DEPRM/TXTSBP



RECEIVED
OCT 13 1994
ZADM

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION *	BEFORE THE
PETITION FOR VARIANCE	
4709 Pleasant Grove Road, private *	ZONING COMMISSIONER
right-of-way, 1100' S of Pleasant *	
Grove Road, being on the S/S of *	OF BALTIMORE COUNTY
Pleasant Grove Road, 480' SW of *	
Mamopa Court, 4th Election Dist., *	CASE NO. 95-107-XA
3rd Councilmanic District	
	*
C. Dwight Moose, et al.	
Petitioner	*
* * * * *	* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 1994, a copy of the foregoing Entry of Appearance was mailed to Edward A. Halle, Jr., Esquire, 11 E. Lexington Street, 4th Floor, Baltimore, MD 21202, attorney for Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN

W060606/LAM51

TIC

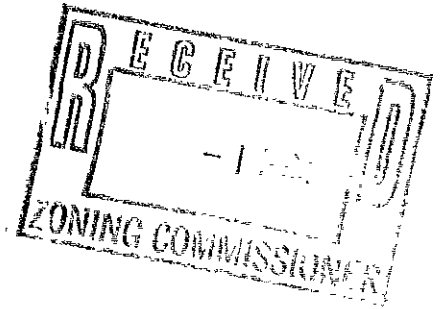
FOWLEY & BECKLEY, P.A.
ATTORNEYS AT LAW
11 EAST LEXINGTON STREET
FOURTH FLOOR
BALTIMORE, MARYLAND 21202-1759

(410) 547-1919
FAX: (410) 547-1928

EDWARD A. HALLE, JR.

October 26, 1994

Baltimore County Office Zoning
Administration & Development Management
Development Control
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204
ATTENTION: Timothy Cotroco, Assistant Zoning
Commissioner



RE: Case # 95-107 (Item 106)
Petitioner: C. Dwight Moose
Our File No. 6867/EAH

Dear Mr. Cotroco:

Enclosed please find a copy of the limitations agreed to by the parties at the hearing held before you on October 21, 1994.

Please incorporate these conditions into your final Order.

Thank you very much for your help in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to be "E. Halle, Jr." with a stylized flourish.

Edward A. Halle, Jr.

EAH:rl1
Enclosures

cc: Dave Moose (w/encs.)
Ken Spence, III, Esquire (w/encs.)

RECEIVED
OCT 28 1994

ZADM

FOWLEY & BECKLEY, P.A.
ATTORNEYS AT LAW
11 EAST LEXINGTON STREET
FOURTH FLOOR
BALTIMORE, MARYLAND 21202-1759

(410) 547-1919
FAX: (410) 547-1928

EDWARD A. HALLE, JR.

November 4, 1994



Baltimore County Office Zoning
Administration & Development Management
Development Control
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204
**ATTENTION: Timothy Cotroco, Assistant Zoning
Commissioner**

RE: Case # 95-107 (Item 106)
Petitioner: C. Dwight Moose
Our File No. 6867/EAH

Dear Mr. Cotroco:

Attorney Ken Spence representing Nechay and Miller in the above-captioned matter has requested that the attorney's fee clause set forth in his October 28, 1994 letter (the indented language) replace item No 7 of my October 26, 1994 letter to you. I have no objection to his request for the replacement language.

Thanks again for your help in this matter.

Very truly yours,

Edward A. Halle Jr.
Edward A. Halle, Jr.

EAH:rl1
Enclosures

cc: Kenneth F. Spence, III, Esq. (w/encs)
Dave Moose (w/encs)

gwill 6867

LAW OFFICES

MILES & STOCKBRIDGE

A PROFESSIONAL CORPORATION

600 WASHINGTON AVENUE

TOWSON, MARYLAND 21204-3965

TELEPHONE 410-821-6565

FAX 410-823-8123

11850 RANDOM HILLS ROAD
FAIRFAX, VA 22030-7429

30 WEST PATRICK STREET
FREDERICK, MD 21701-6903

22 WEST JEFFERSON STREET
ROCKVILLE, MD 20850-4286

1450 G STREET, N.W.
WASHINGTON, D.C. 20005-2001

10 LIGHT STREET
BALTIMORE, MD 21202-1487

300 ACADEMY STREET
CAMBRIDGE, MD 21613-1865

101 BAY STREET
EASTON, MD 21601-2718

KENNETH F. SPENCE, III
410-823-8250

October 28, 1994

VIA FACSIMILE (410) 547-1928

Edward A. Halle, Jr., Esquire
Fowley & Beckley, P.A.
11 East Lexington Street
Fourth Floor
Baltimore, Maryland 21202-1759

Re: Case No.: 95-107 (Item 106)

Dear Ned:

I have reviewed the draft limitations you have forwarded to me pertaining to the above-referenced action. I would request that paragraph 7 be revised to read as follows:

In the event Nechay or Miller are required to enforce the Special Exception Limitations, Petitioner will indemnify and hold Nechay and/or Miller harmless of and from all costs and expenses (including reasonable attorneys' fees) incurred by them in connection with such enforcement.

Otherwise, the limitations are fine. Please advise Mr. Kotroco of these changes.

Many thanks for your continued cooperation throughout this matter.

Very truly yours,


Kenneth F. Spence, III

KFS/clc
cc: Mr. Rudolf Nechay
Mr. Jay Miller

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/10/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: C. DWIGHT MOOSE & AUDREY D MOOSE & D. DAVE MOOSE

LOCATION: 1160' S OF PLEASANT GROVE RD., ON THE S/S OF PLEASANT GROVE
RD., 480' SW OF MAMOPA CT. (4709 PLEASANT GROVE RD.)

Item No.: 106

Zoning Agenda: SPECIAL EXCEPTION
VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association No. 101 "Life Safety Code", 1991
edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED
OCT 11 1994

ZADM



95-107-XA

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSCH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754

TOWSON, MARYLAND 21285-6754

DWIGHT DAVID MOOSE, et al.

Case # 03-C-02-009360

Plaintiffs

(x) Civil () Criminal

VS

JAMES D. BLUM, III, et ux.

Defendants

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Baltimore County
Department of Permits & Development Mgmt.
Serve On: Timothy M. Kotroco, Director

111 West Chesapeake Avenue
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO ATTEND AND TESTIFY AT A:

(X) Court Proceeding () Deposition

at Circuit Court for Baltimore County, 401 Bosley Avenue, Towson, Maryland

(Place where attendance is required)

on Thursday the 24th day of June, 2004, at 9:30 am

(X) and to produce the following documents and objects:

All records pertaining to special exceptions and zoning in regard to properties known as:
4707 Pleasant Grove Road, 4709 Pleasant Grove Road, Baltimore County, Maryland.

Subpoena requested by () Pltff: (X) Defdt: and any questions should be referred to:

Stanley Alpert, Esquire, 20 South Charles Street, Suite 300, Baltimore, MD 21201

(Name of party or atty. Address and phone number)

410-685-1711

Date issued June 15, 2004

CLERK



NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on Behalf of the Court
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d)

SHERIFF'S RETURN

() -- Served and copy delivered on date indicated below.

() -- Unserved, by reason of

Date:

Fee: \$

Original and one copy needed for each witness

SHERIFF

PLEASE PRINT CLEARLY

Interested Parties
PROTESTANT(S) SIGN-IN SHEET

NAME

Jay Miller

Rudolf + Eva Nechay

Kenneth F. Spence LLP, Esq.
counsel for Mr. + Mrs.
Nechay + Mr. Miller

ADDRESS

50 Hamopa Ct.
Keenestown, MD

Pleasant Grove Rd.
Keenestown, MD

600 Washington Ave
Towson, MD 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

D. David Marx

Cynthia L Moose

Audrey D. Moose

C. Waightmoose

Harvey D. Al

Earl W. Allen

4707 Pleasant Grove Rd. Reisterstown, MD

4707 Pleasant Grove Rd. Reisterstown, MD 21136

4709 Pleasant Grove Rd. Reisterstown, MD 21136

4929 Pleasant Grove Rd.

Reisterstown, MD

16301 Inwood Cir. Rd.

Joppo, Maryland 21155



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204



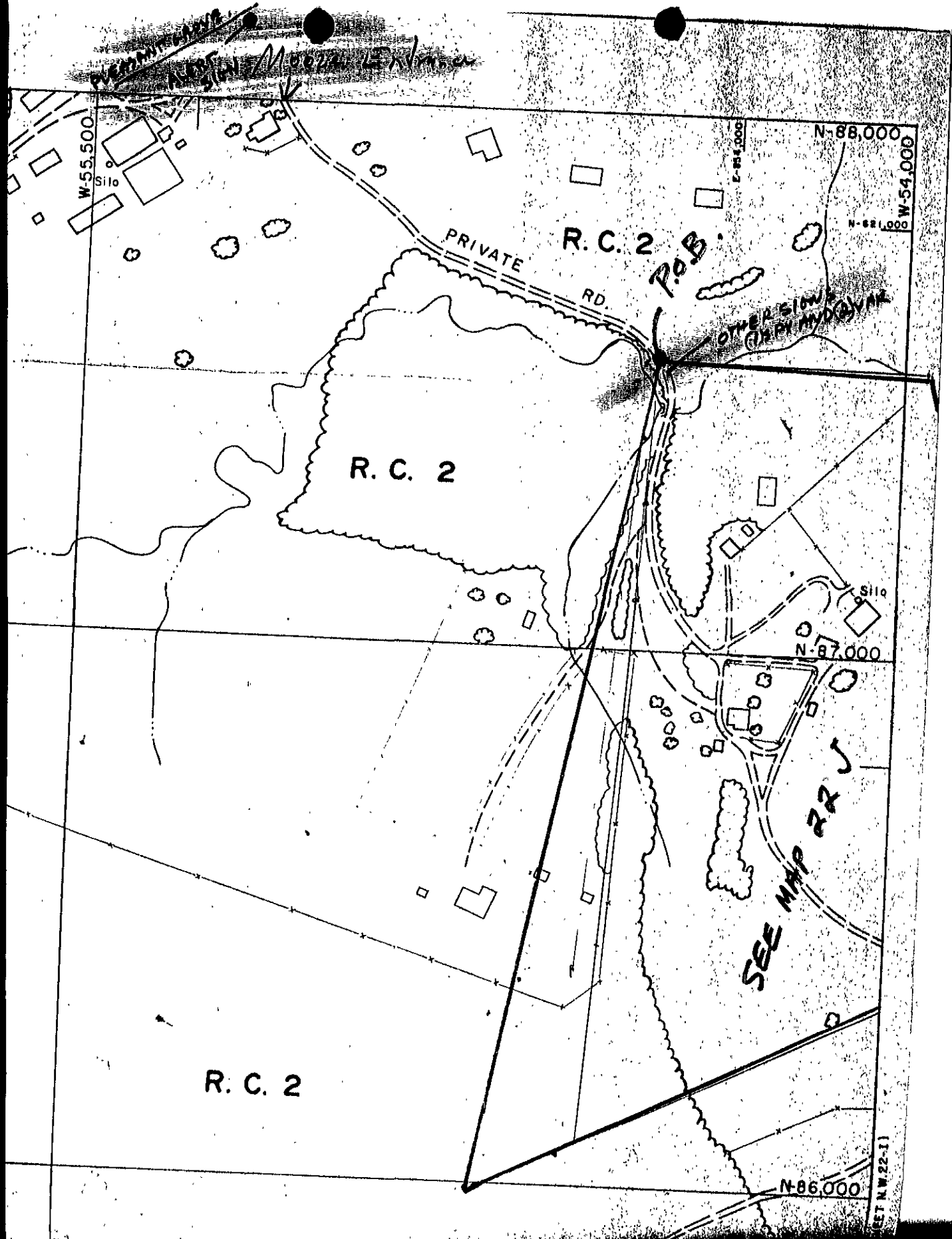
CIVEN SEE #106

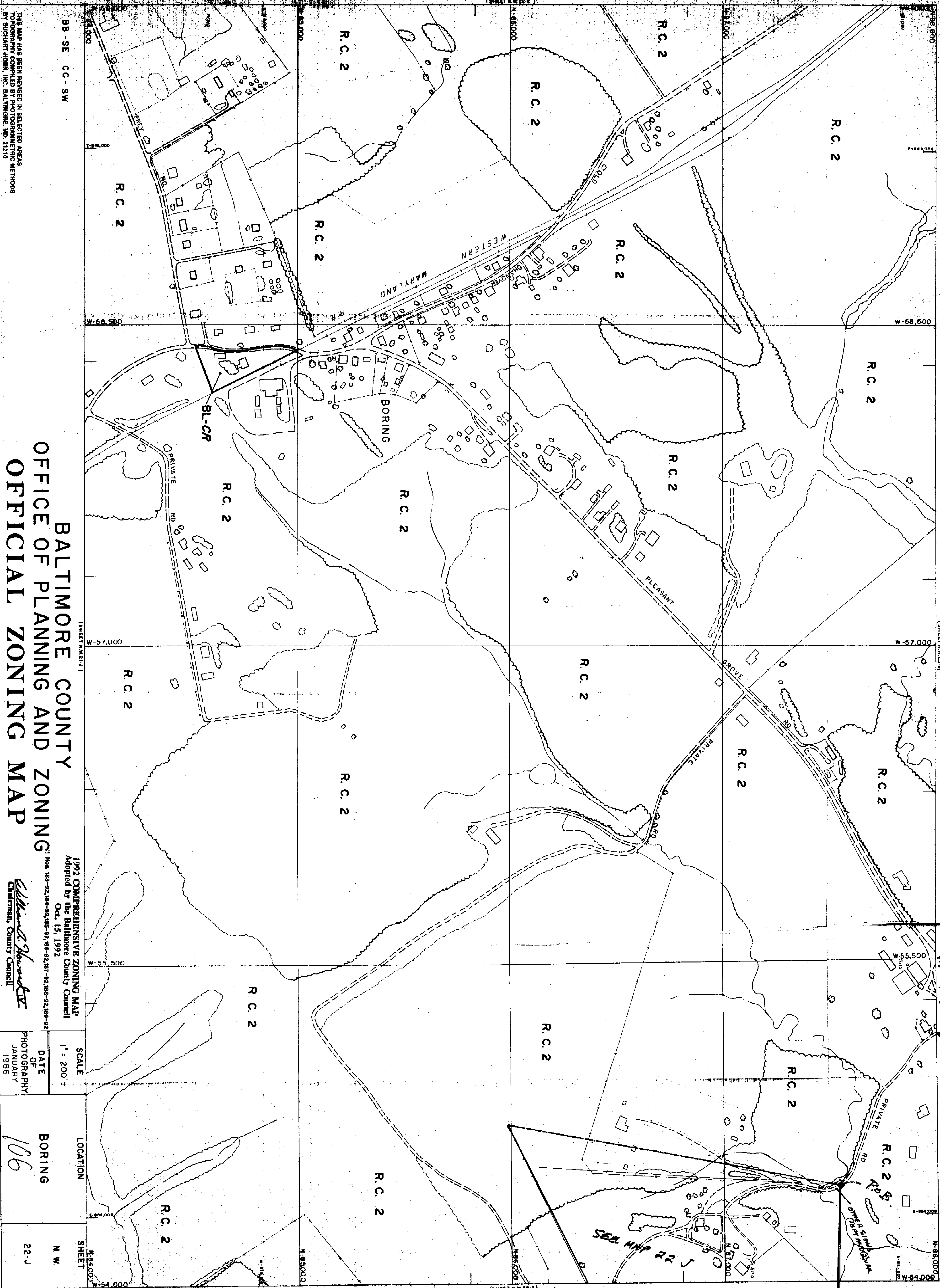
200 SCALE MAP FOR

MICROFILMED

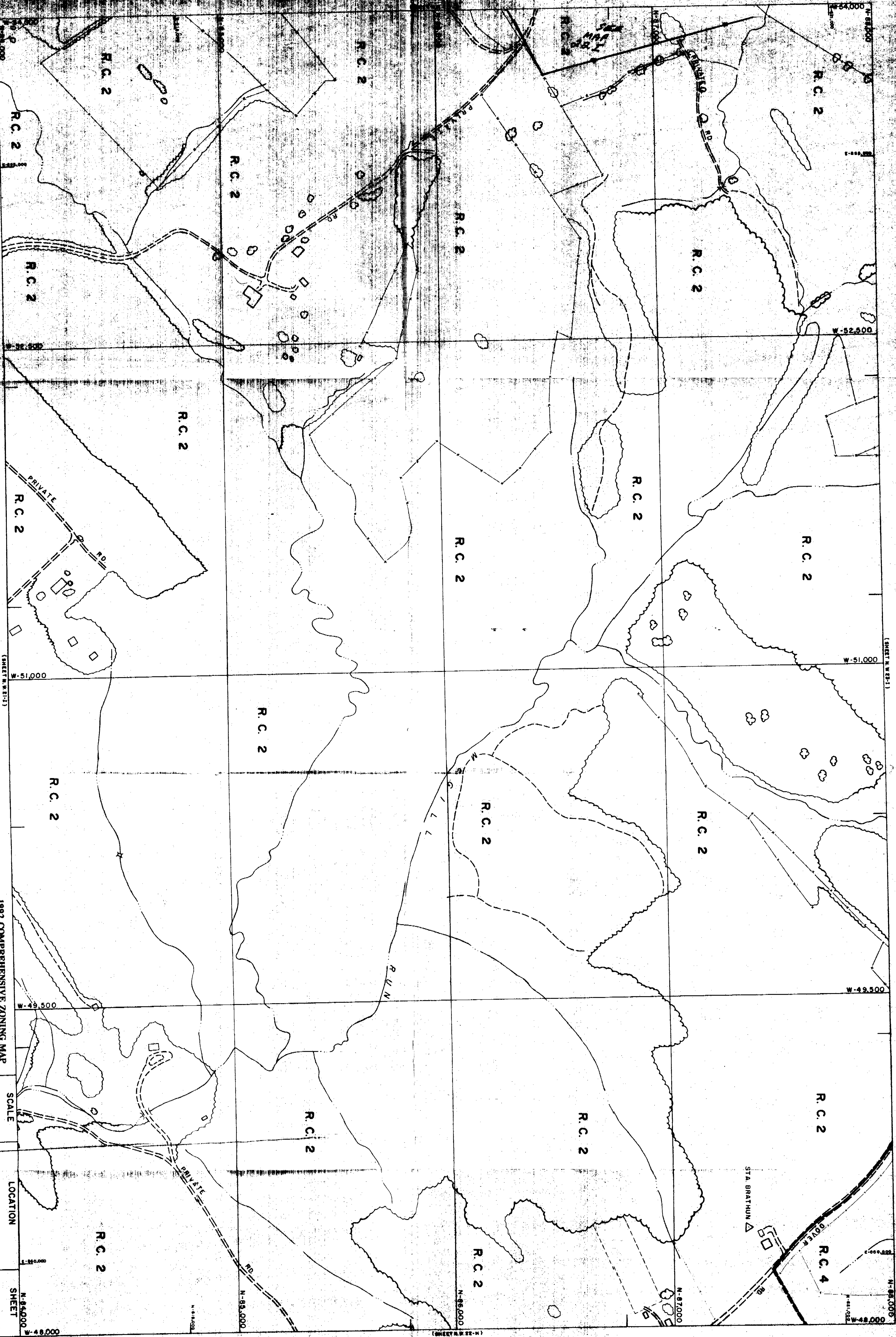
SIGN LOCATIONS

1) SIGN AT ~~25~~ Pleasant Grove and Pleasant Grove Rd. See
Zoning hearing signs ~~1100~~ 1100 ft South of this location for
4709 Pleasant Grove Rd.





UNRECORDED



CC-SW
CC-NW

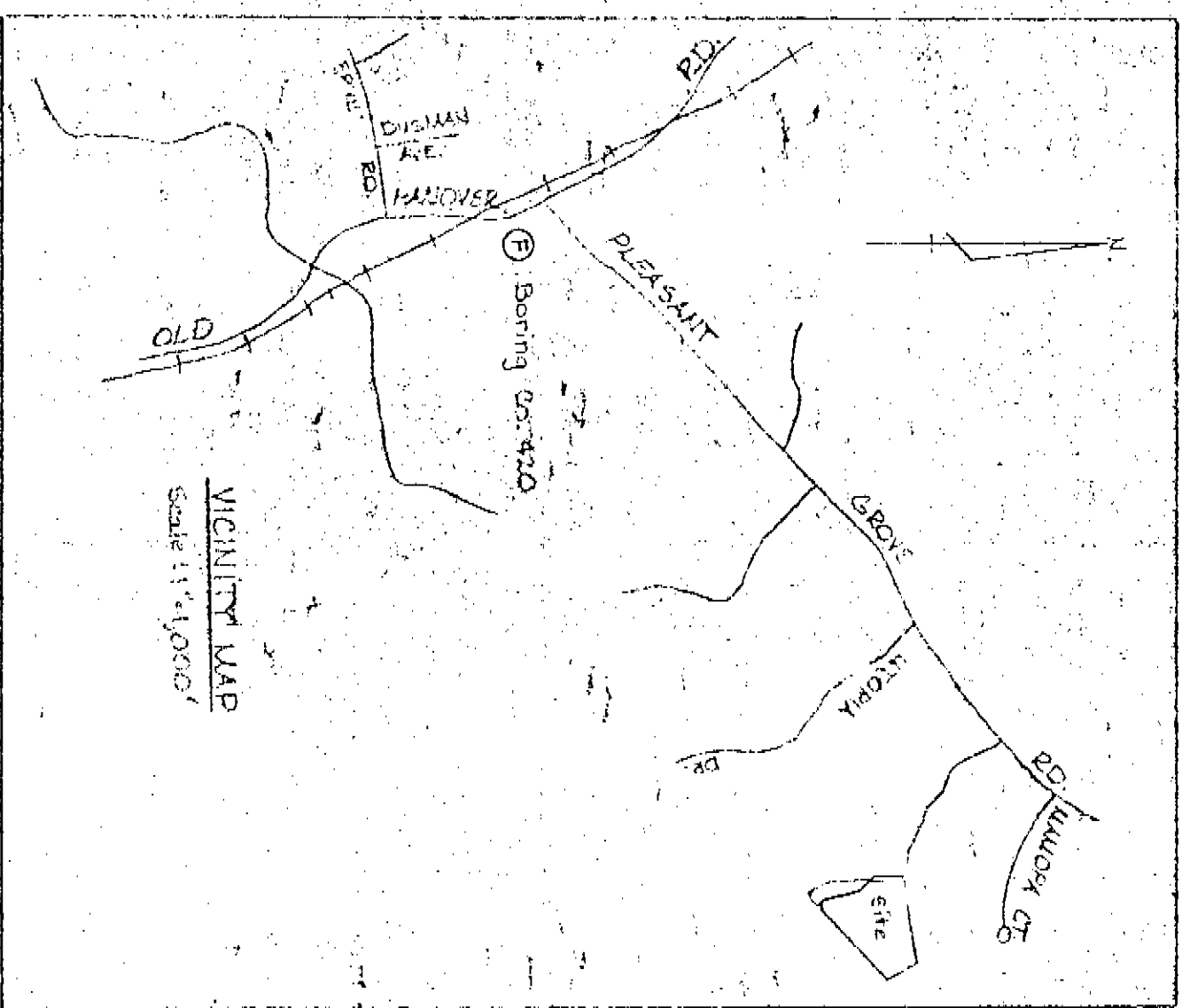
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Baltimore County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Baltimore County Council

SCALE	LOCATION	SHEET
1" = 200' ±	AST OF BORING	N. W. 22-1
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED



DEED REFERENCES
10236/418
10236/419

FLOOD DISTANCE RATE
MAP ZONE: _____

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSES OF LOCATING THE IMPROVEMENTS HEREON AND THAT THEY ARE LOCATED AS SHOWN. THIS SURVEY IS NOT INTENDED FOR DEED OR ESTATE PURPOSES.

5/1/2007 2:17 PM



VARIANCE KEY

- ▲ LATERAL ROAD SETBACK
- ▲ ACCESSORY STRUCTURES
- ▲ LOADING AND UNLOADING AND PARKING OF VEHICLES
- Area Of Special Exception = 22.005 Acres ±

GENERAL NOTES

A. OWNERS DWELLING
B. FIVE (5) BLDG. SETBACKS (GROSS SETBACK)
C. NUMBER OF EMPLOYEES: 9-15
D. TIME OF OPERATION: 7 AM - 5 PM
E. HEIGHT OF BUILDING:
A - 15.0 FT.
B - 18.0 FT.

**PETITIONER'S
EXHIBIT NO. 1**

PROPERTY OWNER
DAVID MOOSE

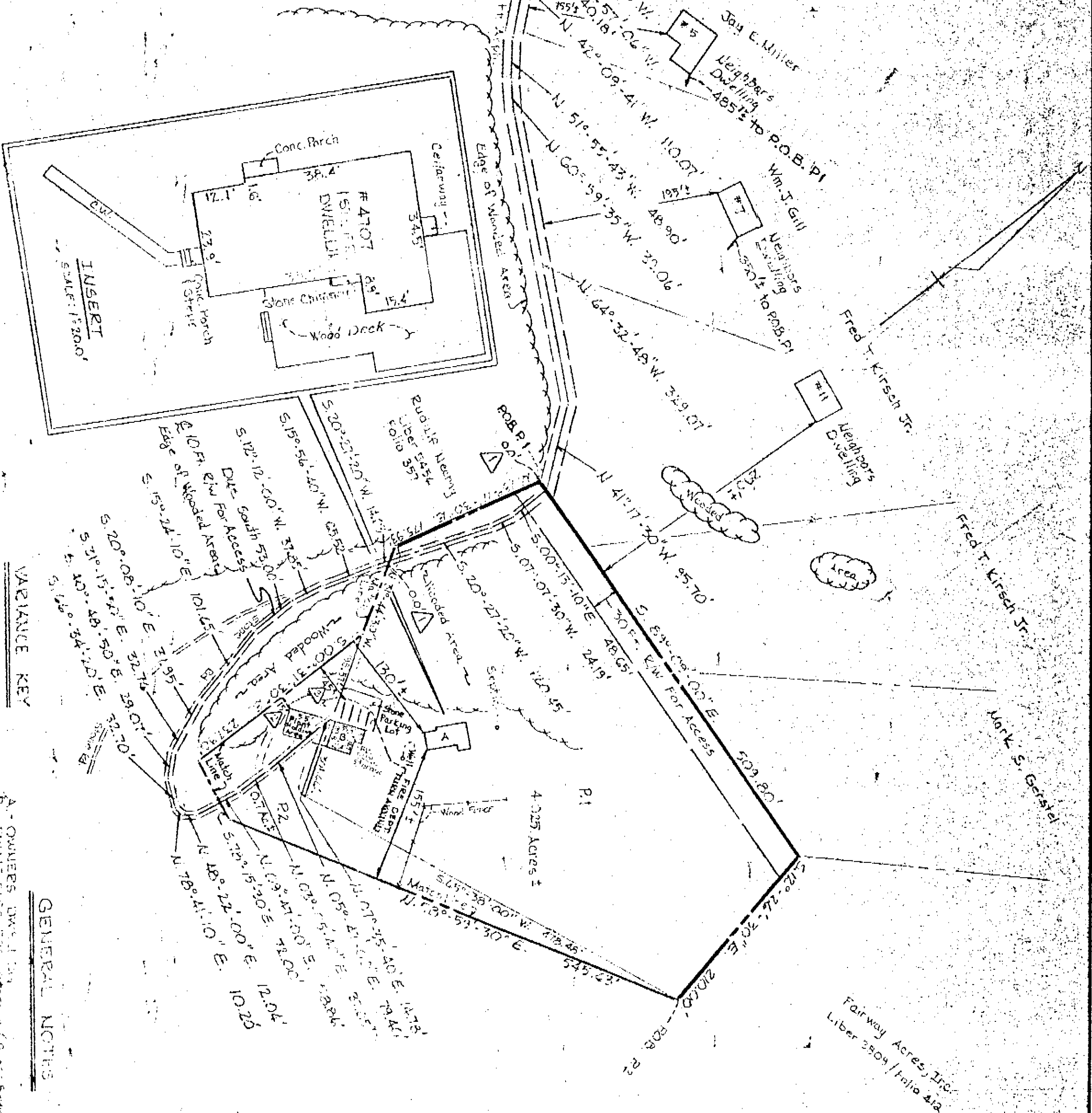
PLAN TO ACCOMPLISH SPECIAL EXCEPTION AND VARIANCE

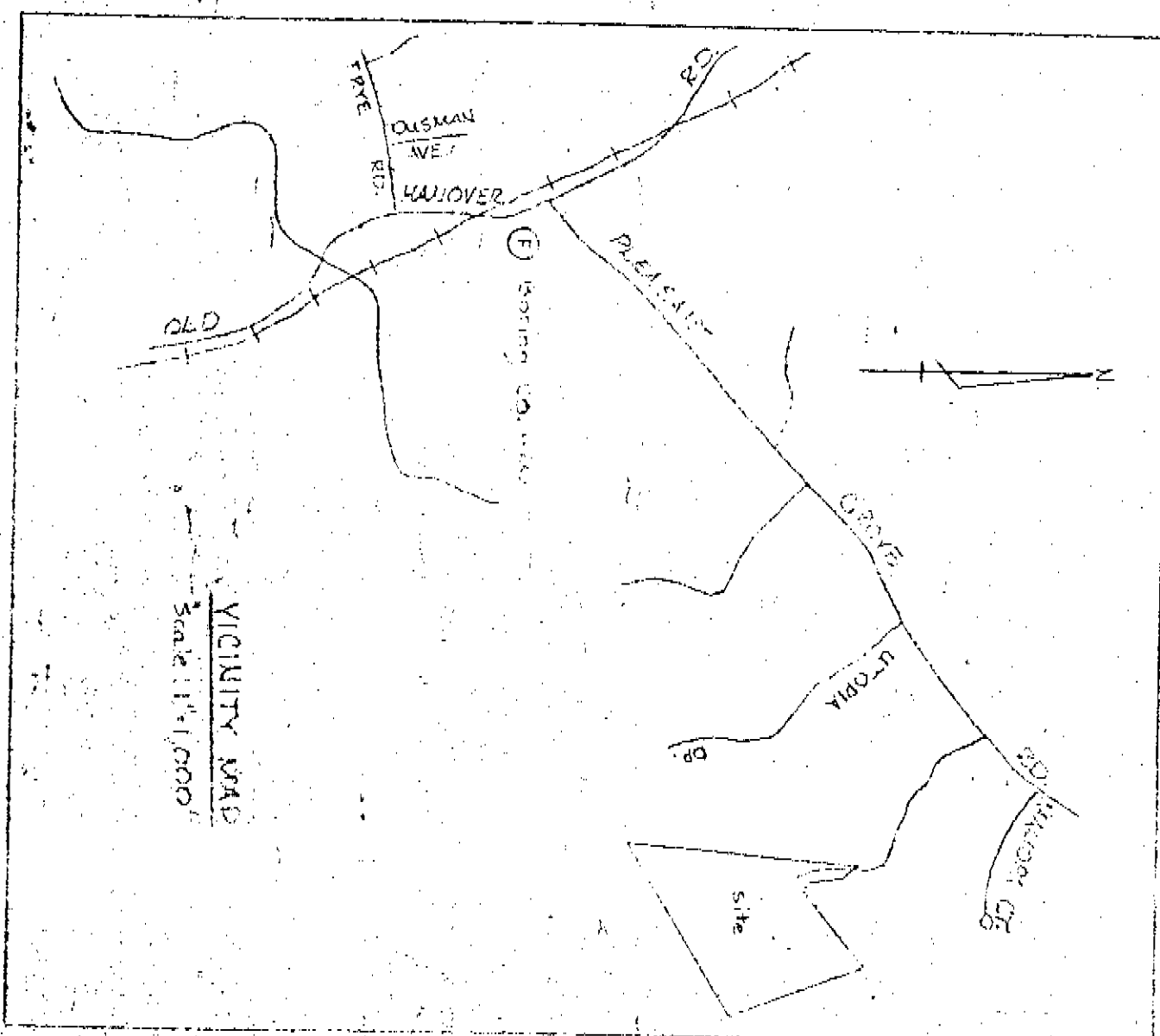
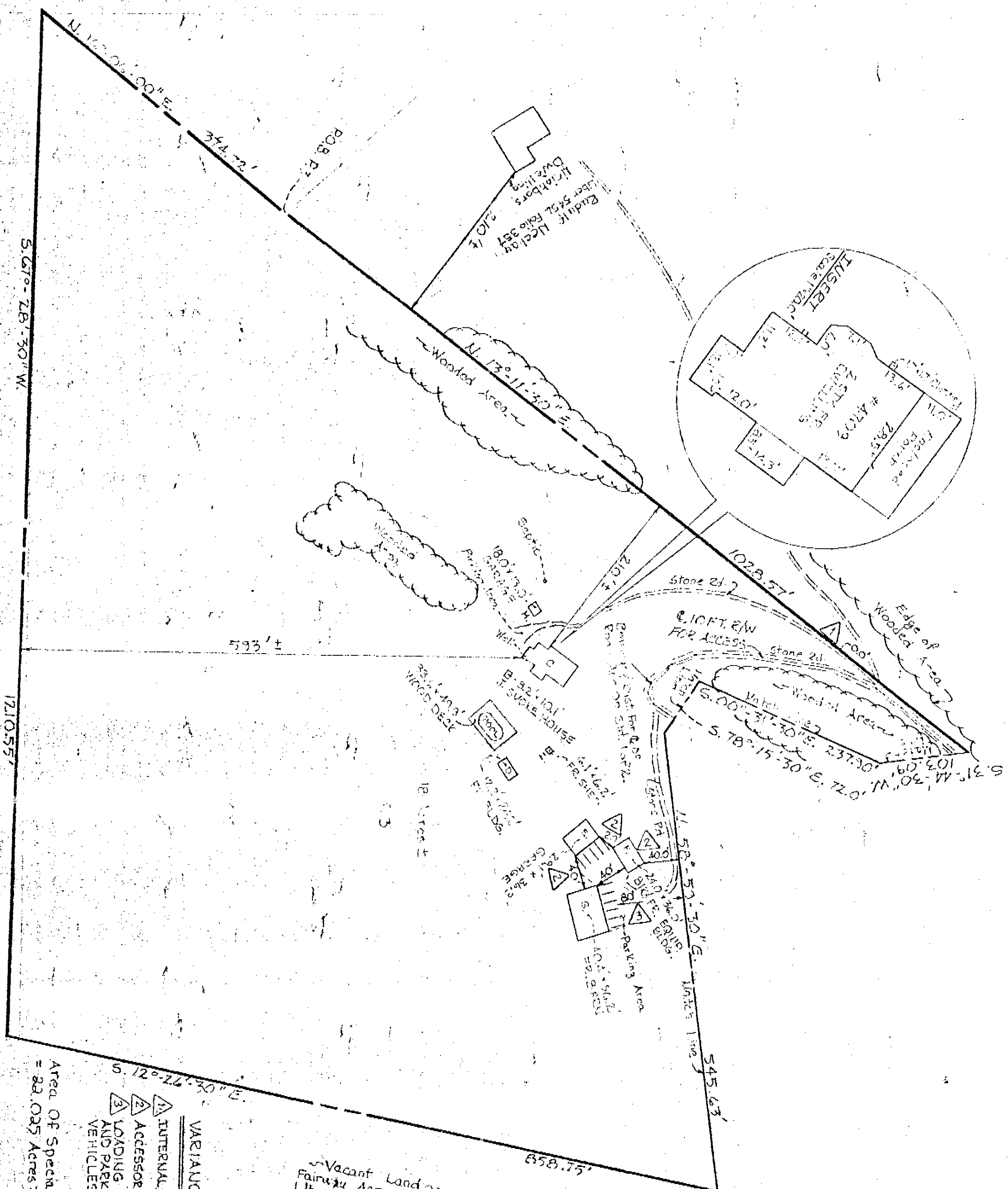
4707 PLEASANT GROVE RD.
BALTIMORE COUNTY, MD

SCALE 1" = 100.0' UNPROCESSED
DATE 6/10/94 DRAWN BY GPH

HOWE'S ENGINEERING
18 BRISTOL STREET
BALTIMORE, MD 21204
PHONE: (410) 274-1111

EXHIBIT NO. 1
DATE 6/10/94





VARIANCE KEY

1. INTERNAL ROAD SETBACK
2. ACCESSORY STRUCTURES
3. LOADING OR UNLOADING AND PARKING OF VEHICLES

Area of Special Exception = 82.025 Acres ±

GENERAL NOTES

- A. COURTESY, OVERSEAS, INC.
- B. DRIVE BUILT, USED AS OFFICE - 295.24 SQUARE FEET
- C. GARAGE BUILT AS WAREHOUSE
- D. DRIVE BUILT, USED AS WAREHOUSE
- E. DRIVE BUILT, USED AS WAREHOUSE
- F. DRIVE BUILT, USED AS WAREHOUSE
- G. DRIVE BUILT, USED AS WAREHOUSE
- H. DRIVE BUILT, USED AS WAREHOUSE
- I. DRIVE BUILT, USED AS WAREHOUSE
- J. DRIVE BUILT, USED AS WAREHOUSE

PROPERTY OWNER
MICROFILMED

DEED REFERENCE
Liber 7951, Folio 673

ROAD SURVEY DATE
MAP ZONE

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN ON THIS PLAN. THIS PLAN IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

DEED NO. 276



PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE			
AT 09, PLEASANT GROVE RD.			
BALTIMORE COUNTY, MD.			
SCALE 1" = 100.0'		DRAWN BY JEM	
DATE 6-10-04		REVISION	
APPROVED BY		DATE	
HOPKINS ENGINEERING			
16 BELMONT ST. COLLET			
BALTIMORE, MARYLAND 21206			
PROPERTY LIND 012		PHONE: 410-621-6136	
4TH ELECTION DIST		BALTIMORE COUNTY DIST	
DATE		DRAWING NUMBER	
6-10-04		102	